IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.2815 OF 2003

DATED 26-06-2007

BETWEEN

P.Rajendra Prasad Reddy.

.. PETITIONER

And

The District Registrar,
Registration Department,
Nellore Proper & District and another.

.. RESPONDENTS

THE HONOURABLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.2815 of 2003

Oral Order:

The petitioner challenges the action of the 2nd respondent in keeping the documents presented to him for registration as illegal and violative of the provisions of the Registration Act and seeks a consequential direction to release the said documents after registration.

The petitioner and his cousin sister have jointly purchased an extent of Ac.39.00 of dry land in Tiruveedipadu Village of Dagadarthi

Mandal, Nellore District from three different owners. The respective sale deeds were presented before the 2nd respondent for registration on 29.12.1999 the documents were assigned pending numbers P.11, P.12, P.13 of 1999. Eversince the documents were not released on the ground that the 2nd respondent received a communication from the local Mandal Revenue Officer to the effect that proceedings under the Inams Abolition Act are pending in relation to the aid lands. The petitioner submits that the action of the 2nd respondent in keeping the document pending for such a long time is contrary to the prescribed procedure and seeks necessary direction.

The 1st respondent filed a counter affidavit. The statement of the petitioner that the documents were presented and were assigned the pending numbers is admitted. The basis for not releasing the documents is said to be a letter dated 10.3.1999 said to have been received from the Mandal Revenue Officer. It is also stated that the 1st respondent addressed a letter dated 22.11.1999 to the Revenue Divisional Officer seeking further clarification and the same is awaited. The 1st respondent further states that the proceedings under the A.P. (Andhra Area) Inams (Abolition and conversion to ryotwari) Act, 1956 (for short 'the Act') in relation to the lands in question are still pending.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. It is almost eight years ago the documents have been presented for registration. The only ground on which they are not admitted to registration is that the proceedings under the Act are pending before various authorities.

Learned counsel for the petitioner submits that the vendor of the petitioner had approached this Court on an earlier occasion and a categorical finding was given in his favour to the effect that he is entitled to be granted ryotwari patta and the same has since been implemented after a contempt case was filed.

Even assuming that there is any cloud on the title of the vendors of the petitioner, it is not at all the concern of the registering authorities while examining the documents for registration. It hardly needs any emphasis that a registering authority is not vested with the power to examine the title of the vendor and that a person cannot convey a better title than what he had. The mere fact that the sale deeds are registered does not bring about any change in relation to the rights over the land in question.

For the foregoing reasons, the writ petition is allowed and the 2nd respondent is directed to release the documents forthwith.

L.NARASIMHA REDDY,J

Dated 1.5.2007
msv